

REMARKS

Claims 43, 47, 48, 50, 54, 55, 57, 61, 62, 64-81 and 95-97 are pending in the present application. By this Amendment, claims 43, 47, 48, 50, 54, 55, 57, 61, 62, 64, 65, 66, 69-71, 74-76, 79-81 and 95-97 have each been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated September 17, 2004.

Information Disclosure Statement (IDS):

It is respectfully submitted that the Examiner has failed to properly consider three (3) IDSs filed, June 29, 2004, July 8, 2004 and September 3, 2004, by the Applicants. As such, it is requested that the Examiner properly consider such IDSs and provide Applicants with an initialed copy of the accompanied PTO Form-1449 filed with each of these IDSs.

Allowable Subject Matter:

Applicants gratefully acknowledge the indication in item 5 of the Action that claims 47, 48, 54, 55, 61-81 and 95-97 would be allowable if amended to overcome the rejection under 35 U.S.C. 112, second paragraph. As discussed below, it is believed that the rejection of 47, 48, 54, 55, 61-81 and 95-97 under 35 U.S.C. 112, second paragraph has been overcome. As such, it is respectfully submitted that claims 47, 48, 54, 55, 61-81 and 95-97 are now allowable.

35 USC §112, Second Paragraph, Rejection:

Claims 43, 47, 48, 50, 54, 55, 57, 61, 62, 64-81 and 95-97 stand rejected under 35 USC 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

This rejection is respectfully traversed.

Claims 43, 47, 48, 50, 54, 55, 57, 61, 62, 64, 65, 66, 69-71, 74-76, 79-81 and 95-97 have been amended to overcome this rejection. Moreover, it is respectfully submitted that claims 67, 68, 72, 73, 77 and 78 do not include the objected to language “each for said region.” As such, these claims have not been amended. Accordingly, withdrawal of this rejection is respectfully requested.

As to the Merits:

As to the merits of this case, the Examiner relies on the newly cited reference of Nakamura et al. (U.S. Patent No. 6,215,914) in setting forth the following rejection:

claims 43, 50, 57 stand rejected under 35 USC 103(a) as being unpatentable over Hsu (of record) and Avinash (of record) in view of Nakamura et al..

This rejection is respectfully traversed.

With regard to claims 43, 50 and 57, the Examiner relies on the newly cited reference of Nakamura et al.. However, it is respectfully submitted that rejection of claims 43, 50 and 57 is improper and must be withdrawn since the newly applied reference of Nakamura et al. fails to qualify as prior art under 35 U.S.C. §102 or §103. More specifically, Nakamura et al. has a filing date of June 24, 1998 which falls after the August 28, 1997 effective filing of the present application based on the international filing date of PCT/JP97/02997. That is, the present invention has an effective filing date of August 28, 1997, since pursuant to 35 U.S.C. 363 an international application designating the United States shall have the effect, from its international filing date under article 11 of the Patent Cooperation Treaty, of a national application for patent regularly filed in the U.S. Patent and Trademark Office. Accordingly, withdrawal of this rejection is respectfully requested.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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Serial No.: 09/994,829

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

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